

As set forth in Annex B of the Administrative Instructions Under The PCT at Part 1 (Instructions Concerning Unity of Invention), paragraph (c), unity of invention has to be considered in the first place only in relation to the independent claims and not the dependent claims. If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims (see Administrative Instructions at Part 1, subparagraph (c)(i)). In particular, no problem of lack of unity arises in the case of a genus/species situation where the genus claim avoids the prior art (Id).

↓
do not share common
structural features

If and only if an independent claim does not avoid the prior art does the question arise as to whether there is an inventive link between the dependent claims (see Administrative Instructions at Part 1, subparagraph (c)(ii)). If the independent claim does not avoid the prior art and there is no link remaining, an objection of lack of unity may be raised *a posteriori*, i.e., only after an assessment of the prior art (Id). These considerations apply to a genus/species situation (Id).

Appt. It is noted that
cited art is not necessary
to support conclusion
MPBP 5803

In the present case, the Examiner has not cited any art that would indicate that the generic claim does not avoid the prior art. Accordingly, in line with the discussion above, it is respectfully submitted that there is presently no ground for objection on the basis of alleged lack of unity of the dependent claims and all claims should be examined herein.

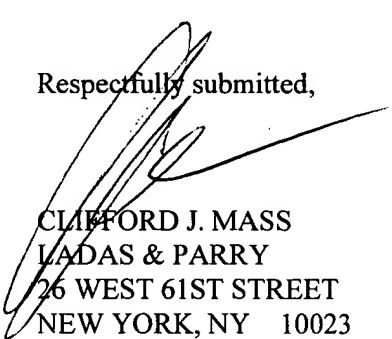
In the event that an assessment of the prior art provides a ground for objection on the basis of alleged lack of unity, Applicants hereby elect to prosecute the species wherein (a) the

polymeric matrix comprises a polymer that is an alginate polysaccharide; (b) the surface active molecule is a protein comprising gelatin; (c) the at least one volatile hydrophobic component is a pheromone comprising Gossyplure; and (d) the gellant is a calcium salt solution. Applicants note that claims 1-12, 19-22, 24-31, and 38-52 read on the elected species. Regardless of the species examined, Applicants understand that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The claims have been amended to make clear the nature of the invention and the unity of the claims. In particular, the amendments make clear that gelatins are simply one example of the proteins which themselves are preferred species of the surface active molecules, as specifically recited in claim 5 and in amended claim 3.

In view of the above, Applicants have now responded to the restriction action in entirety. An early examination on the merits of at least those claims reading upon the elected species is now respectfully requested.

Respectfully submitted,



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Claim 2 (amended) A sustained release, polymer-based, water insoluble bead according to claim 1, wherein said polymeric matrix comprises a polysaccharide ~~at least one polymer selected from the group consisting of a protein, a polysaccharide and a synthetic polymer.~~

Claim 3 (amended) A sustained release, polymer-based, water insoluble bead according to claim 1, wherein said surface active molecule ~~is a protein~~ is selected from the group consisting of gelatin, albumin, casein and Lactoglobulin.

Claim 25 (amended) A process for preparing a sustained-release polymer-based, water insoluble beads according to claim 1 for release of a volatile hydrophobic component therefrom in atmospheric air, comprising:

- a) preparing an oil/water emulsion by homogenizing a volatile hydrophobic component in water; using the at least one surface active molecule;
- b) mixing said emulsion with at least one water-soluble polymer comprising a polysaccharide and optionally rehomogenizing the mixture; and
- c) adding the emulsion prepared in step (b) in a dropwise manner into a gellant solution to form said water insoluble beads.